



**COMMITTEE FOR
GREEN FOOTHILLS**

June 29, 2007

Darryl Boyd
San Jose Department of Planning, Building and Code Enforcement
Attn: Jared Hart

Dear Darryl:

The Committee for Green Foothills submits the comments below on the Coyote Valley Specific Plan Draft Environmental Impact Report. The City of San Jose (City) cannot approve the Coyote Valley Specific Plan (Project) on the basis of the Draft EIR (DEIR). We explain why in the following comments, but we additionally note as a preliminary matter that the City should have stopped work on this Project when the landowners, who are the primary beneficiaries of the proposal, refused to cooperate by allowing access to their properties for environmental documentation and analysis. The City's own map at: http://www.sanjoseca.gov/coyotevalley/EIR/docs/Property_Access_EIR_Revised_06.20.07.pdf shows landowners owning a significant percentage of parcels are not cooperating with environmental review. Given this, there is no reason for the City to proceed with a project designed for the landowners' benefit.

In addition to impacts noted by other commenters, the following flaws make the DEIR an inadequate basis for deciding whether to approve the Project:

Project Description:

The project description fails to adequately describe what purpose the Project would serve. DEIR Section 1.4 contains no justifications for the project; rather it contains objectives that describe expectations of what the Project will eventually be, without indicating why the City might want to fulfill those expectations. This failure makes it impossible for the City to analyze whether Coyote Valley development is premature or whether project alternatives can adequately fill the same purpose as the proposed project. The project description is therefore inadequate in determining the proper range for the scope of alternatives to be considered.

The closest that the DEIR comes to describing the purpose of the Project is the first full paragraph on page 2. The first sentence of the paragraph is not helpful as it provides no content to support the idea that Coyote Valley development is "beneficial." The second sentence merely discusses phasing issues without giving an overall purpose. Only the third and fourth sentences add content: improving the City's jobs-housing balance and reducing traffic impacts from growth through a reverse commute. Accordingly, any alternative that has less traffic impacts and addresses job/housing imbalances must also meet the project purpose and should be considered a feasible alternative. If alternatives can do this with less conversion of agricultural land, then Coyote Valley development under the proposed project is prematurely converting agriculture to other uses and a violation of the General Plan.

Farmland and Land Use Impacts:

The designation of farmland as grazing land on page 103 has not been justified, particularly but not exclusively the land in the vicinity of Bailey Avenue. The entire parcels in the vicinity are plowed/disked

every year, not something done for grazing land (except as a fire buffer on the edge of grazing property, not the entire property). I have been in the area since 2003 and have never observed grazing on these properties. They should be classified as prime farmland. If not classified as prime, they should be classified as “farmland of local importance”, as the land appears to be consistently harvested for hay or other crops. The City must provide a justification for not relying on the actual use of the land as opposed to a map designation given to the City by the State.

A map prepared with Department of Conservation data at <http://www.santaclara.lafco.ca.gov/pdf-files/Handouts.pdf> shows more prime farmland between Laguna Avenue and the North Coyote boundary than shown in the DEIR map at 103, indicating that the City had underestimated the loss of prime farmland. There is no reason not to conclude the prime farmland continues into North Coyote beyond the point analyzed in the LAFCO map.

The USDA Natural Resources Conservation Service mapping shows the “grazing” land area designated in the DEIR map on page 103 to be prime agriculture soils, as seen in the attached .pdf document. The designation for some soil types depends on the availability of irrigation and protection from frequent flooding – the high water table and flood control measures in the area mean these criteria are satisfied. Again, if nothing else, these areas should be classified as farmland of local importance.

The DEIR fails to analyze significant impacts from land use incompatibility with agriculture inside the development footprint, during the transitional period where the City envisions development will not cover the entire area. The City acknowledges that the transition period could last decades, during which it expects both agriculture and intense urban development to coexist in the development footprint area. The DEIR acknowledges compatibility impacts between intense urban development in Coyote Valley and the Greenbelt. DEIR at 106. These impacts will be even more intense in the transitional period within the development footprint as there is less geographic separation than from the Greenbelt. CEQA is clear that temporary impacts can be significant, so these multi-generation impacts from incompatibility must be significant.

The discussion of the “removal” of Williamson Act contracts fails to indicate where the Williamson Act parcels are located and whether the Project will result in attempted cancellation or even condemnation of the properties. The DEIR at 109. Condemnation would be an additional land use impact by accelerating conversion of agricultural land. Cancellation would be allowed only if development is conflicting with ongoing agricultural operations on the Williamson Act parcels. The failure to impose a mitigation forbidding condemnation or cancellation is acknowledgment in effect of the compatibility impact.

The DEIR discussion of incompatibility with existing Greenbelt operations acknowledges impacts but fails to qualitatively or quantitatively describe the impact. DEIR at 106-107. Failing to accurately describe the impact makes arbitrary the DEIR conclusion that the acknowledged impact is insignificant. In particular, the DEIR shows no evidence of examining the trend toward decreased agriculture in the Greenbelt over time, which should have been analyzed. It shows no evidence of discussions with farmers in the area to determine whether increased traffic, conflict with spraying, presence of sports fields and large numbers of children could conflict with farming. It shows no evidence of examining conflicts other farming operations have had when encroached by intense urban development. It fails to discuss whether the loss of half or more of the farmland in Coyote Valley through development will hinder farming operations through a decreased farming infrastructure such as the farm-supporting businesses.

The DEIR statement at 107 that the City “will” consider the adoption of a right to farm ordinance is incorrect. No mitigation is required for Impact LU-2, so the City has no obligation to even consider a right to farm ordinance, let alone adopt one, and therefore cannot be used in the DEIR to determine that no impact will occur. Again, the discussion of impacts to existing agriculture is inadequate to form the basis for concluding no significant impacts exist because it incorrectly states that a right to farm ordinance will be considered, it imposes no requirement to adopt such an ordinance, it fails to describe the extent to which such an ordinance protects farming, and it fails to analyze the extent to which a right to farm ordinance reduces compatibility impacts.

San Jose has a General Plan policy to avoid the “premature” conversion of agricultural lands to other uses.¹ Nowhere in the DEIR is this policy discussed nor a justification given for why the CVSP conversion is not premature. Given the availability of land elsewhere in the City, development in Coyote Valley is premature, a violation of the City General Plan, and a significant land use impact.

The DEIR fails to discuss the LAFCO and Cortese/Knox Acts standards for assessing impacts to prime agricultural lands, for purposes of disclosing impacts on land use policies. Even if the DEIR does not consider these standards as appropriate measures of agricultural impacts, which it should, it must consider them as potential land use conflicts. LAFCO does not consider relevant the economic analysis that the City appears to rely on for excluding land from the prime farmland designation. There is clearly a land use policy conflict yet the DEIR fails to disclose it, making the DEIR unusable to a responsible agency – LAFCO. The discussion of LAFCO policies on page 101 wholly fails to discuss LAFCO agricultural mitigation policies. The DEIR should discuss those LAFCO agricultural mitigation policies as mitigation for land use impacts due to conflicts with LAFCO policies, regardless of whether San Jose itself has the same definition of agriculture. As an additional and separate reason, the DEIR should discuss the LAFCO mitigation policies in order to partially mitigate agricultural impacts the DEIR acknowledges.

The DEIR may be stating on page 115 that preservation of agricultural land will not be required because it is not “adequate” mitigation. City Planner Darryl Boyd disagrees with this interpretation. When I asked him based on a prior conversation to confirm my understanding “that the City Staff’s position is that farmland preservation is in fact a feasible mitigation for the loss of agricultural land, and the reference to preservation as not being adequate only meant that preservation, by itself, would not reduce the impact to a less-than-significant level,” he confirmed it (see attached email). If the City does not consider preservation to be feasible mitigation, then given statements made by City staff to the contrary, the DEIR must be recirculated with absolutely clear indicia of the City’s position. Preserving agriculture is, in fact, a commonly-used, feasible mitigation for the loss of farmland.

Even if the City accepts preservation as a feasible mitigation for the loss of farmland, the discussion is inadequate. The DEIR does not clarify whether all or part of the 2,400 acres would be subject to mitigation. The DEIR references on page 116 to the January 2004 memo on farmland mitigation, without clarifying whether the memo is to be considered part of the DEIR. The memo says LESA analysis will be used to exclude farmland from mitigation – if so, that decision appears to contradict the DEIR statement at p. 111 that the full 2,400 acres would be considered a significant loss. The memo fails to say when the LESA analysis would be applied. Waiting to some future point when land in Coyote Valley is partially developed, and then determining that the remaining land is no longer economically feasible as farmland because it is surrounded by development, is inappropriate because the key decision that reduces economic feasibility occurs with this Project, not at a later future point.

¹ See [http:// www.sanjoseca.gov/coyotevalley/docs/CC_ProgRep4_PPT_Sec4.pdf](http://www.sanjoseca.gov/coyotevalley/docs/CC_ProgRep4_PPT_Sec4.pdf)

We refer the City to our attached letter of January 9, 2006 as a critique of the DEIR to the extent that the DEIR relies on the January 4 memorandum, and we request a response to our critique.

Crucially, the DEIR and January 4 memorandum both fail to determine what the feasible mitigation ratio should be. City staff state they consider it feasible without stating what the ratio should be, but it is impossible to determine whether the City has proposed adequate mitigation, or even to determine the extent of the remaining significant impact after mitigation, unless the mitigation is understood. The January 4 memorandum states that a ratio of 2 acres preserved for every 1 acre lost has been used by the City of Davis. Such a ratio should be presumed feasible unless a recirculated DEIR can adequately explain why the City of Davis can achieve better mitigation than the City of San Jose.

Any farmland mitigation program must include a requirement to pay monies for administering the program in order to achieve the desired mitigation ratio – such monies should not be subtracted from the total amount spent on mitigation.

The DEIR fails to discuss impacts to grazing lands. Extensive development in Coyote Valley will have growth inducing impacts in the hillsides and harm local ranching. Increased traffic on Bailey and McKean Road will also impede ranching operations. Significant amounts of land within the development footprint are incorrectly designated as grazing land (DEIR at 103), but if that incorrect designation is continued then the DEIR should discuss the impacts that result from the loss of such grazing land. If farmland preservation is feasible for the loss of prime farmland, a similar mitigation should be in place for the loss of grazing land due to direct and indirect impacts.

The analysis of creation of new farmlands should include analysis of new farmlands created by Andy's Orchards in Morgan Hill, possibly the only new prime farmland created in Santa Clara County. The analysis should confer with Andy's Orchards about working with them to create new farmland and to consider the extent to which farmland creation is feasible with subsidies.

Offsite sprawl impacts:

The DEIR incorrectly concludes that the Project “would not displace substantial numbers of people or housing, necessitating the construction of replacement housing elsewhere.” DEIR at 401. The ratio of jobs to housing as currently planned is 55,000 jobs to 26,400 housing units. The DEIR anticipates a ratio of 1.6 employed residents per household, an estimate that may be overstated for reasons discussed below. Even accepting the 1.6 estimate as accurate, the jobs/housing ratio leaves a shortage of 7,975 residential units that will have to be occupied elsewhere. Vacancy rates are consistently low in the Bay Area, and with continued migration and population growth, there is no reason to expect these 8,000 residences to come from vacant stock in the Bay Area or Central Valley – they will have to be constructed. All impacts from this unplanned, sprawl construction should be analyzed, and the DEIR is deficient by failing to analyze these impacts.

The undersupply of nearly 8,000 units may itself be a gross underestimate. Table 2.0-3 lists maximum housing units. The allowable densities vary by about a factor of 2, so the true figure for the amount of provided housing in Residential-designated land use areas could be about 11,000 units lower,

leading to a total shortage of 19,000 units that will have to be constructed in the form of unplanned sprawl with long-distance commutes.² The associated impacts must be described in a revised DEIR.

Table 2.0-3 also demonstrates that much of the residential development will be higher density, from 20 units/acre to over 100 units/acre. This will inevitably mean smaller units, fewer residents per unit, and fewer employed residents per unit. The net result from atypically small residences will be less housing demand satisfied onsite than appears to be the case from examining typical residences, and concomitant greater housing demand that will have to be satisfied through offsite sprawl. The DEIR failed to obtain figures for employed residents per unit adjusted on a net density basis in order to arrive at a better estimate of housing demand satisfied.³

It would be incorrect if the City were to argue that the Project only involves an increase of 35,000 jobs over the baseline of 20,000 jobs anticipated by Coyote Valley Research Park. The baseline for determining impacts is the existing conditions, not a wholly speculative prediction for a project that has been permitted for the better part of a decade and shows no indication of being built. Reducing the projected maximum total units according to the criticisms listed above in this comment letter indicates that even the residential demand created by 35,000 jobs will not be wholly satisfied by the number of units constructed by the Project.

There is no discussion of impacts from secondary job demand created outside of Coyote Valley from businesses working with Coyote Valley businesses and from the surplus Coyote Valley workers who cannot find housing there. The DEIR estimates at page 15 that 5,000 non-industry driving jobs will be necessary to serve Coyote Valley, and a significant percentage of them will be serving the 80,000 residents. Thousands of people that the DEIR fails to account for will be brought to the region but will be unable to find housing in Coyote Valley, and the impacts of the people needed to provide them with services should have been considered.

Impervious surface impacts:

The DEIR at pages 340-341 purports to exempt CVSP development in the Coyote Creek drainage from HMP requirements without indicating any regulatory process allowing that exemption. Even if it were truly impossible to comply with HMP requirements, a case not proven by the DEIR, the result could be that either development is not allowed or an amendment to the NPDES permit would be a required condition of approval. To claim an exemption, a recirculated DEIR would need to describe the basis for exemption so that it can be analyzed.

Please supply any indication from Appendix J that the City's own consultants considered and supported the DEIR's proposed noncompliance with HMP standards. The consultant report appears to expect compliance, so noncompliance would be a significant impact and a possible NPDES permit violation. The waiver program mentioned in section 3.1.2 of Appendix J appears to apply to specific projects, not the entire CVSP, and requires equivalent treatment, which the DEIR does not propose.

² Maximum units do not appear to correlate with density estimates times gross acreage, presumably because of other uses for the land. This should be clarified in the recirculated DEIR.

³ By contrast, the DEIR found it appropriate to adjust the number of schoolchildren generated within CVSP by reference to "the types of residential units proposed." DEIR at 409. A similar adjustment is therefore appropriate for determining the extent that CVSP housing satisfies the demand created by CVSP.

The statement in Impact H/WQ-9 that “there is no analytical or physical evidence that the proposed CVSP development would worsen Coyote Creek erosion” is incorrect. The analytical evidence is the HMP standard itself, and the DEIR acknowledges that CVSP violates that standard by exceeding the threshold for changes to the flow duration curve. The DEIR includes the wholly irrelevant observation that releases from Anderson Reservoir are substantially greater. DEIR at 340. That observation provides no justification for a failure to comply with HMP requirements that the DEIR acknowledges apply to Coyote Creek. DEIR at 340.

The DEIR states that onsite compliance with HMP standards is impossible without creating significant vector control issues. DEIR at 340. This response is inadequate. First, it fails to address measures that could be used to control mosquitoes. Second, it fails to address underground stormwater storage, a method being used in Southern California. Third, it fails to address the extent to which offsite mitigations can be used to comply with HMP requirements.

The DEIR appears to contradict itself on pages 340-341 by first saying that no impaired bank stability areas were located under lower flow regimes, and then saying bank incision exists at the Silicon Valley Boulevard bridge, a short distance downstream from Coyote Valley. This demonstrates that modifying the flow regime in violation of the HMP standards is a significant impact.

The DEIR makes an overstatement on page 339, “Current guidelines for HMP implementation require that pre- and post-urbanized flow-duration curves must be matched using continuous rainfall simulation and a threshold discharge for erosion in receiving waters.” While the statement is true for many projects subject to HMP standards, it is not true for all projects. The DEIR itself notes on page 326 that small projects under 20 acres are exempt, and the DEIR fails to clarify that HMP standards, if applied at all, would apply to CVSP and every subsequent project, as opposed to only applying to subsequent projects, many of which would be exempt because of their size.

The DEIR should have noted that compliance with HMP standards is insufficient to avoid a significant impact under CEQA. In particular the HMP standard fails to assess erosion impacts from large (greater than 10-year) storm events; NPDES C.3 provisions limit the level of needed compliance to a certain maximum percentage cost; and smaller projects do not have to meet HMP standards. The DEIR failed to do a cumulative impacts analysis of erosion impacts that will result, given that HMP standards do not achieve a “no impact” result. Because of the size of CVSP and the fact that it already violates HMP standards, a significant cumulative impact is also likely.

Wildlife impacts:

Coyote Valley has the best crossing point to get wildlife like elk, badgers, bobcats, and mountain lions between the Santa Cruz Mountains and the Mount Hamilton Range. In fact it may be the only east-west crossing point for some species. This impact receives all of two paragraphs of discussion in the DEIR at page 285, mostly dismissive and mostly erroneous. The brief discussion of the Coyote Creek corridor fails to consider how that north-south corridor currently facilitates east-west wildlife movement by allowing animals to get multiple points where they can cross the valley. It compounds this error by dismissing any impact from placing 80,000 people next door to Coyote Creek, especially the development east of Monterey Highway. It also fails to consider the cumulative impact to Coyote Creek north-south migration from the Project together with forthcoming Edenville construction.

A fundamental flaw with the DEIR is its failure to adequately describe the significant impact to wildlife movement. The entire section 4.6.3.6 consists only of several short paragraphs, and all but the last paragraph dismiss any impacts. The last paragraph says only that increased traffic on Monterey and Santa Teresa Boulevard could reduce movement, and the presence of domestic animals and night lighting may affect corridors. That is the extent of the characterization of an impact the DEIR acknowledges as significant, but by failing to qualitatively or to quantitatively analyze the impact, the DEIR makes it impossible for the reader to judge the severity of the significant impact, and in turn makes it impossible to determine whether the proposed mitigation will be effective. The DEIR even fails to describe which species will be harmed.

Impact BIO-26 is underestimated for several other reasons. Traffic increases on Highway 101, on Bailey-to-McKean Road, on the Metcalf Road Bridge that could be used by wildlife, on the Coyote Creek Golf Course Drive underpass usable by wildlife, and on every other road in the Project area and Greenbelt, will also hinder wildlife movement. Increased foot and bicycle traffic, especially people with dogs, will generally hinder north-south wildlife movement along Coyote Creek and specifically hinder use of the Coyote Creek underpass below Highway 101 as a means for east-west movement. Any roadway expansion, creation of new or extended median barriers, or increase in height for existing median barriers, will further hinder wildlife movement on roads that include but are not limited to Monterey and Santa Teresa Boulevard. The failure to describe these impacts show that the DEIR has not adequately characterized this impact and likely underestimates the level of needed mitigation.

A compounding problem with MM BIO-26.1, meant to address wildlife corridor impacts, is the failure to describe where the mitigation measure will be applied, if indeed it will be applied at all. The analysis really consists of a single sentence stating that where “possible,” points where the wildlife cross such as street culverts could be improved to help movement. No discussion of which crossing points would be “possible” to improve, or even of what “possible” means to them.

The DEIR then concludes on page 310, without any preceding analysis, that this undefined wildlife corridor mitigation, which may result in no change at all if the final conclusion is that improvements aren’t “possible,” somehow reduces a significant impact on wildlife to a less-than-significant one. This failure to provide an analytical roadmap, showing how the DEIR moved from a description of mitigations to a conclusion that they would be successful, makes the DEIR inadequate.

The DEIR should have included as a feasible mitigation for wildlife movement impacts that the City shall purchase easements from landowners adjoining important movement points such as culvert entryways so that the landowners agree not to undertake activities that restrict wildlife access.

The DEIR’s conclusion on page 111 that CVSP “would be consistent with the Santa Clara County HCP/NCCP” is flawed. As stated in the DEIR, the HCP/NCCP is meant to promote the recovery of endangered species, meaning to do more than simply compensate for impacts.⁴ Neither the CVSP itself nor the proposed mitigations are intended to promote species recovery, so CVSP is inconsistent with the HCP/NCCP and has an undisclosed, significant impact.

⁴ See http://www.scv-habitatplan.org/www/site/alias_default/about_the_project/291/about_the_project.aspx for the statement that objectives include “preserving that habitat to both mitigate for the environmental impacts of development and enhance and restore the natural communities that support endangered plants and animals.” (Emphasis added.)

The DEIR discussion on page 111 of the HCP/NCCP Planning Agreement is incomplete. Section 5.1.7 of the Planning Agreement states that interim projects such as CVSP are intended to (among other goals) “help achieve the preliminary conservation objectives and not preclude important conservation planning options or connectivity between areas of high habitat values.” The project and mitigation fail to help achieve preliminary conservation objectives because they do not promote recovery (a key conservation objective) and because as discussed above, they significantly impair connectivity between areas of high habitat value.

The DEIR failed to discuss potentially significant impacts that might result from mitigation MM BIO-10.1. If relocated species are not as well adopted to the environment where they are relocated as the resident individuals are, the relocated ones may breed with residents and cause outbreeding depression.

Alternatives analysis:

DEIR Section 5.7 is an inadequate basis for informed decision-making because as is the case elsewhere in the DEIR, it fails to provide any analysis to justify its conclusion that Reduced Scale Alternative I is environmentally superior. Failure to compare alternatives to one another makes the conclusion arbitrary. Given that the North San Jose alternative will have reduced impacts on open space, agricultural land, and wildlife movement, it is possible that that alternative is environmentally superior.

The discussion of the North San Jose alternative should have a variation, the “Add to Current Plan” Alternative. Instead of substituting CVSP goals for those of NSJDPU, the 25,000 homes and 50,000 jobs would be added to the North San Jose goals. The biological and some other impacts described in section 5.6 would be attributable to NSJDPU only and not to the alternative, unless the addition has the growth-inducing effect of making NSJDPU more likely to occur.

Reduced Scale Alternative I should have been considered with a modification that removes development from the northernmost parts of North Coyote in order to protect wildlife migration corridors. Development could be concentrated within the remaining developable portion of North Coyote, or “leak” slightly over into the northernmost part of Mid-Coyote Valley in order to compensate for preserved corridors. Development should be at the density envisioned in the “Getting It Right” scenario.

A “No Offsite Sprawl” variation should have been developed as a mitigation for the proposed project, and as a variation on all the proposed alternatives. This variation would require a balance between housing demand generated and housing supplied, rectifying imbalances by either increasing housing, by decreasing jobs generated, or by a combination of both.

The alternatives analysis fails to provide feasible mitigations because it does not include a “San Jose Distributed” alternative, where the 50,000 jobs and 25,000 homes described for the Project are distributed throughout the City, above and beyond current allocations. There is nothing essential to the project that requires all the development to occur in the same place, so distributing the jobs and housing in various locations could facilitate smart growth and minimize environmental impacts by making use of many smaller areas suitable for redevelopment.

As suggested by CGF in our March 4, 2005 letter to the City, the DEIR should have included a “Delayed-start Coyote Valley” alternative. This option would anticipate eventual build-out of Coyote Valley, but acknowledge that Central and North San Jose should take priority. This would involve changing the “triggers” in the General Plan either by adding a fixed date before the Specific Plan, annexation, and

residential construction would come into effect, or by adding new triggers to the existing ones, with the new triggers requiring substantial levels of additional development occur first in Central San Jose.

Other notes:

The transportation analysis should clarify whether the DEIR used the maximum possible residential units from Table 2.0-3, or some other amount. It is extremely unlikely that the maximum number of units will be built, and therefore more likely that there will be additional housing demand created by the Project outside of Coyote Valley that exceeds the amount used in determining transportation demand. Only if the transportation analysis assumed the minimum amount of expected units constructed in Coyote Valley could it have encompassed the true range of transportation impacts from this one issue.

The failure to analyze the sprawl impacts of the Project are pervasive throughout the DEIR. For example, on page 394-395 the DEIR claims that the increased housing supply in Coyote Valley will reduce the need for commuters to travel from distant locations. This argument ignores the critique discussed above that the Project will increase housing demand far more than it increases housing supply, resulting in a net increase of commuters and an increase in offsite sprawl.

The DEIR statement in section 2.1.10 that construction “would generally balance the excavated material with fill material and there would not be a substantial import or export of earth material into or out of Coyote Valley” is not credible. The same section acknowledges that excavation could range between four and five and half million cubic yards. In this uncertainty range of 1.5 million cubic yards, it is not credible to assume the unrelated fill needs would vary by roughly the same amount as the amount excavated, or that the need to excavate and the need to fill will occur at roughly the same time. Hundreds of thousands, or more, of cubic yards of fill will need to be exported or imported as well as stored, and the significant impacts from this need have not been addressed.

At page 336, the DEIR concedes the CVSP floodplain encroachment will increase Coyote Creek floodwaters by “up to 0.8” feet. It then states that FEMA does not consider a less-than one foot impact as significant. The DEIR fails to provide a reference for this FEMA policy or an indication that FEMA meant it to apply to a cumulative impacts analysis. No cumulative impacts analysis is given to indicate that this 0.8 foot rise, along with other foreseeable future impacts such as the completion of the Edenvale construction, will not result in significant impacts. The discussion also fails to indicate the surface-area extent of the 0.8 foot rise. The City must use the DEIR to make its own independent examination of significant impacts – if the total surface area affected by the 0.8 foot rise is significant, a figure that has not been provided but is likely to be large, then the impact is significant.

The DEIR should address a wider floodplain for Fisher Creek as an alternative flood storage mechanism than the proposed Coyote Valley Lake, as well as consideration for mitigation of various biological impacts.

The DEIR should address an empty greenfield or ballfield as an alternative to the Coyote Valley Lake for flood-control purposes. This greenfield was described by City consultants in early CVSP Task Force meetings.

The cursory, two-page discussion of growth-inducing impacts in section 7 of the DEIR directly contradicts the twelve-page discussion of growth-inducing impacts in the Coyote Valley Research Park

Environmental Impact Report that was adopted by the San Jose City Council.⁵ The CVRP DEIR (at 225-236) concludes significant growth inducing impacts will be created by offsite housing demand from CVRP, despite the fact that as described above in this letter, the offsite housing demand generated by CVRP is only somewhere between roughly equivalent to or substantially less than the offsite housing demand and offsite sprawl created by CVSP. The City's own, much more extensive analysis in the CVRP EIR show a similar-to-smaller effect was a significant growth inducing impact in the Almaden Urban Reserve, South Santa Clara County, and in San Benito, Santa Cruz, and Monterey Counties. The CVSP DEIR is therefore inadequate.⁶

Please contact us if you have any questions.

Sincerely,



Brian A. Schmidt
Legislative Advocate, Santa Clara County

Attachments:

North Coyote Valley Soils Map and explanation

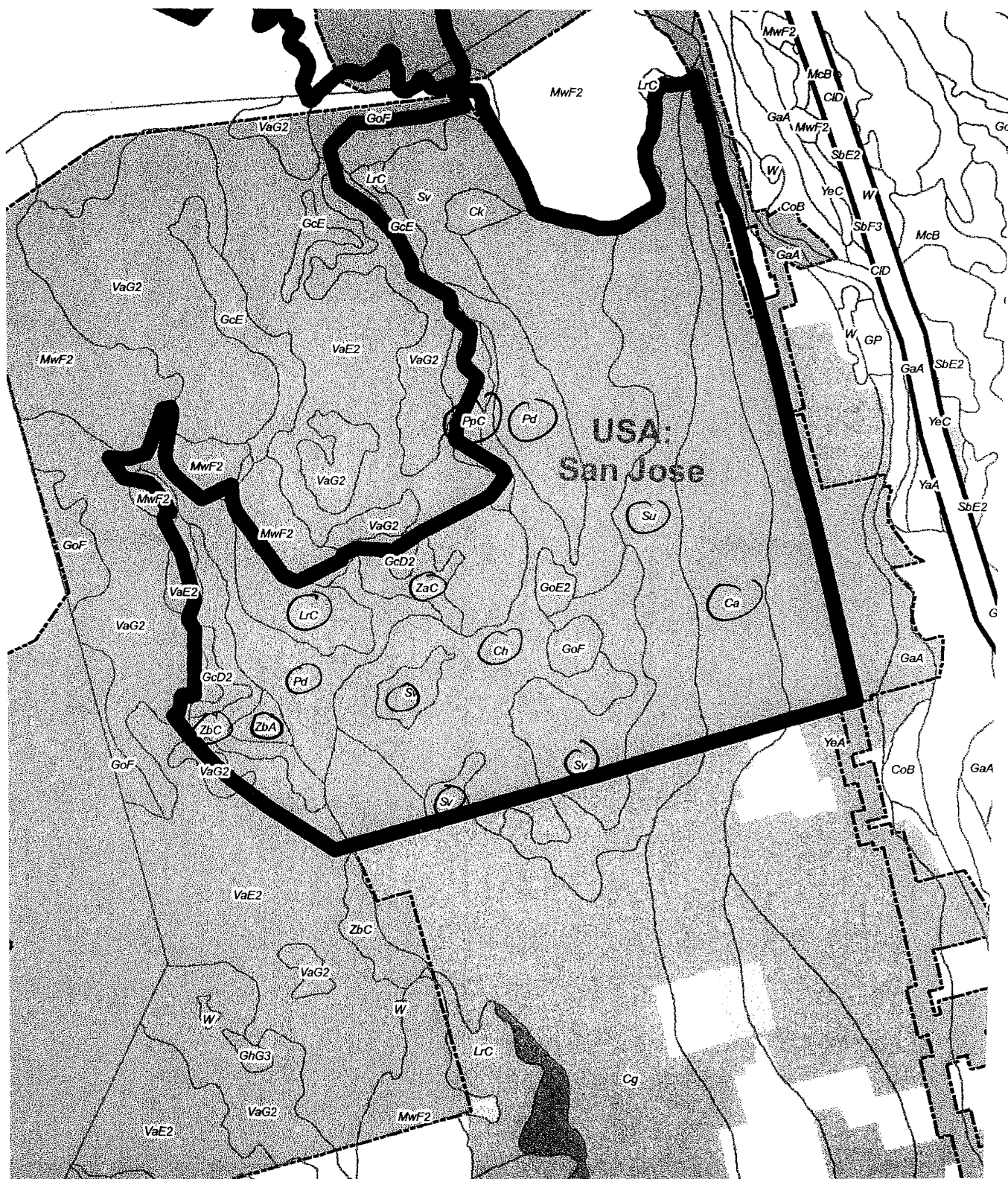
Email from Darryl Boyd to Brian Schmidt

Excerpts from the Coyote Valley Research Park Draft EIR (to be faxed separately)

Letter to CVSP Task Force, January 9, 2006

⁵ The City presumably has a copy of its own CVRP EIR, but CGF will fax selected pages to the City for its record.

⁶ The statement in section 5.7 states some of this growth may be anticipated in General Plans, but anticipation does not mean the growth has no negative environmental consequences. Those consequences must be analyzed.



**SANTA CLARA COUNTY
PRIME FARMLAND SOILS**

U.S. DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE
DAVIS, CALIFORNIA 95616

THESE SOIL MAPPING UNITS MEET THE CRITERIA FOR PRIME FARMLAND AS OUTLINED IN THE U.S. DEPARTMENT OF AGRICULTURE'S LAND INVENTORY AND MONITORING (LIM) PROJECT FOR THE EASTERN SANTA CLARA AREA SOIL SURVEY.

<u>Symbol</u>	<u>Name</u>
ArA	Arbuckle gravelly loam, 0 to 2 percent slopes
Ca*	Campbell silty clay loam
Cc#	Campbell silty clay loam, clay substratum
Cg#	Clear Lake clay
Ch*	Clear Lake clay, drained
CrA	Cropley clay, 0 to 2 percent slopes
CrC	Cropley clay, 2 to 9 percent slopes
EsA	Esparto loam, 0 to 2 percent slopes
EsC	Esparto loam, 2 to 9 percent slopes
GaA	Garretson loam, gravel substratum, 0 to 2 percent slopes
GbB	Garretson gravelly loam, 0 to 5 percent slopes
KeA	Keefers clay loam, 0 to 2 percent slopes
KeC2	Keefers clay loam, 2 to 9 percent slopes, eroded
LrA	Los Robles clay loam, 0 to 2 percent slopes
LrC	Los Robles clay loam, 2 to 9 percent slopes
Pa	Pacheco fine sandy loam
Pb*	Pacheco silt loam, drained
Pd	Pacheco clay loam

<u>Symbol</u>	<u>Name</u>
Pe*	Pacheco clay loam, gravelly substratum
PoA	Pleasanton loam, 0 to 2 percent slopes
PoC	Pleasanton loam, 2 to 9 percent slopes
PpA	Pleasanton gravelly loam, 0 to 2 percent slopes
PpC	Pleasanton gravelly loam, 2 to 9 percent slopes
RaA	Rincon clay loam, 0 to 2 percent slopes
RaC2	Rincon clay loam, 2 to 9 percent slopes, eroded
Su*	Sunnyvale silty clay
Sv*	Sunnyvale silty clay, drained
YaA	Yolo loam, 0 to 2 percent slopes
YaB	Yolo loam, 2 to 5 percent slopes
YeA	Yolo silty clay loam, 0 to 2 percent slopes
YeC	Yolo silty clay loam, 2 to 9 percent slopes
ZaA	Zamora loam, 0 to 2 percent slopes
ZaC	Zamora loam, 2 to 9 percent slopes
ZbA	Zamora clay loam, 0 to 2 percent slopes
ZbC	Zamora clay loam, 2 to 9 percent slopes
MhAsb	<i>Metz sandy loam, wet variant, 0 to 2 percent slopes</i>
PtBsb	<i>Pleasanton loam, 2 to 5 percent slopes</i>
PvC2sb	<i>Pleasanton gravelly loam, 5 to 9 percent slopes, eroded</i>
RsAsb	<i>Rincon silty clay loam, 0 to 2 percent slopes</i>

<u>Symbol</u>	<u>Name</u>
<i>SnAsb</i>	<i>Sorrento silt loam, 0 to 2 percent slopes</i>

* Prime Farmland if drained.

Prime Farmland if either protected from flooding or not frequently flooded during the growing season.

Note: Soil Cd (Campbell Silty Clay) was removed from the Prime Farmland list per NRCS letter of 7/21/03.

JPR Revised 4/24/80

retyped: 8/2/95

**SANTA CLARA COUNTY
FARMLAND OF STATEWIDE
IMPORTANCE SOILS**

U.S. DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE
DAVIS, CALIFORNIA 95616

THESE SOIL MAPPING UNITS MEET THE CRITERIA FOR FARMLAND OF STATEWIDE IMPORTANCE AS OUTLINED IN THE U.S. DEPARTMENT OF AGRICULTURE'S LAND INVENTORY AND MONITORING (LIM) PROJECT FOR THE EASTERN SANTA CLARA AREA SOIL SURVEY.

<u>Symbol</u>	<u>Name</u>
AkC	Arbuckle loam, deep, 5 to 9 percent slopes
AuD2	Azule clay loam, 9 to 15 percent slopes, eroded
Ce	Campbell silty clay, muck substratum
Ck	Clear Lake clay, saline
DaD	Diablo clay, 9 to 15 percent slopes
HfC	Hillgate silt loam, 2 to 9 percent slopes
McB	Maxwell clay, 0 to 5 percent slopes
SdA	San Ysidro loam, 0 to 2 percent slopes
SdB2	San Ysidro loam, 2 to 5 percent slopes, eroded
SfA	San Ysidro loam, acid variant, 0 to 2 percent slopes
SfC	San Ysidro loam, acid variant, 2 to 9 percent slopes
Wa	Willows clay
ZeC3	Zamora and Cropley soils, 2 to 9 percent slopes, severely eroded

JPR Revised 4/24/80

retyped: 8/2/95

Hart, Jared

From: Brian Schmidt [Brian@greenfoothills.org]
Sent: Friday, June 29, 2007 4:52 PM
To: jared.hart@sanjoseca.gov
Cc: Darryl.Boyd@sanjoseca.gov
Subject: Committee for Green Foothills comments on CVSP DEIR
Attachments: CGF Comment ltr on DEIR 6.29.07.doc; NorthCVSPSoils.pdf; Ltr to CVSP TF bas 1 9 06 (2).doc

Dear Jared and Darryl:

Attached is the Committee for Green Foothills comments on the Draft EIR for CVSP. The main letter references several attachments which are also attached, except that the referenced email from Darryl is attached below, and the pages from the CVRP will be faxed separately.

Please contact me if you have any questions.

-Brian

From: Boyd, Darryl [mailto:Darryl.Boyd@sanjoseca.gov]
Sent: Monday, May 21, 2007 3:26 PM
To: 'Brian'; 'Michele Beasley'; melissa.hippard@sierraclub.org
Cc: 'Jodi Starbird'; Ketchum, Stan; Hart, Jared
Subject: RE: Follow-up clarification on farmland preservation as mitigation for farmland loss in the Coyote Valley DEIR

Your understanding of our comments is correct. We will clarify the explanation in the FEIR with a text amendment. Thank you for bringing this to our attention.

Darryl D. Boyd, AICP
Principal Planner

Dept. of Planning, Building & Code Enforcement
 Voice mail: (408) 535-7898
 Fax: (408) 292-6055
email: darryl.boyd@sanjoseca.gov

City of San Jose
 200 East Santa Clara Street
 San Jose, CA 95113-1905

From: Brian [mailto:brian@greenfoothills.org]
Sent: Monday, May 14, 2007 6:01 PM
To: 'Boyd, Darryl'; 'Michele Beasley'; melissa.hippard@sierraclub.org
Subject: Follow-up clarification on farmland preservation as mitigation for farmland loss in the Coyote Valley DEIR

7/9/2007

Dear Darryl,

I want to thank you for the information you gave verbally at the last Coyote Valley TAC meeting about the DEIR's "Protection of Existing Farmland" on page 115 of the DEIR. I recently learned that a lawyer besides myself, one with even more experience than I have in CEQA and reading DEIRs, interpreted that section in the same way I had described at the TAC meeting. Our combined 20-year plus experience told us that the section stating that "protection of existing farmland...is not considered by the City of San Jose as adequate mitigation under CEQA" meant that the City was rejecting protection of existing farmland as a feasible mitigation. This reading was reinforced by the explanation in the DEIR that preservation was supposedly inadequate "because the net result of such actions would still be a loss of farmland acreage." The City used a virtually-identical explanation to justify doing no farmland mitigation at all for the Coyote Valley Research Park, so our reading seems reasonable.

I'm attempting to confirm with this email what I understood from your comments on behalf of the City at the TAC meeting. I understood you to say that the City Staff's position is that farmland preservation is in fact a feasible mitigation for the loss of agricultural land, and the reference to preservation as not being adequate only meant that preservation, by itself, would not reduce the impact to a less-than-significant level.

If you could reply to this email confirming that I understood you correctly, it would be very helpful.

Best,
Brian

Brian Schmidt, Legislative Advocate
Committee for Green Foothills
(650) 968-7243, brian@greenfoothills.org
<http://www.greenfoothills.org>
We're blogging! <http://www.greenfoothills.org/blog>

7/9/2007

To: Jared Hart

Fax: 408.292.6055

15 pages

From: Brian Schmidt

650.968.7243

**CITY OF SAN JOSÉ, CALIFORNIA**

DEPARTMENT OF PLANNING, BUILDING AND CODE ENFORCEMENT
801 NORTH FIRST STREET
SAN JOSE, CALIFORNIA 95110-1795

JAMES R. DERRYBERRY
DIRECTOR

February 14, 2000

Ladies and Gentlemen:

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT FILE NO. PDCSH 99-06-053
SCH NO. 990923031

The Planning Commission of the City of San Jose will hold a Public Hearing to consider the Draft Environmental Impact Report (DEIR) prepared for the project described below. A copy of the DEIR is attached for your review.

Your comments regarding the significant environmental effects of this project and the adequacy of the DEIR are welcome. Written comments, submitted to the Department of Planning, Building and Code Enforcement by 5:00 p.m., March 29, 2000, will be included in the EIR and be considered by the Planning Commission at this public hearing. If you make comments through a state or regional clearinghouse, please send a copy of your comments to the contact person listed below to insure prompt consideration. If we receive no comments (nor a request for an extension of time) from you by the specified date, we will assume you have none to make.

Project Description and Location: PDCSH 99-06-053, DRAFT ENVIRONMENTAL IMPACT REPORT FOR A Planned Development Rezoning on a 688-acre site located west of U.S. Highway 101 and Coyote Creek and immediately south of Tulare Hill for the development of 6.6 million square feet of building space on approximately 388 acres. The remaining acreage will be used for infrastructure to serve the project including a 269-acre flood detention basin and an electric power substation.
Council District 2

Tentative Hearing Date: May 24, 2000

Contact Person: Julie Caporgno
Department of Planning, Building & Code Enforcement
801 N. First Street, Room 400
San Jose, CA 95110-1795

Sincerely,

Julie E. Caporgno, Senior Planner
Planning, Building & Code Enforcement

Attachment

VII. GROWTH INDUCING IMPACTS

In accordance with the CEQA Guidelines §15126.2, this section of the EIR discusses ways in which the Project "could foster economic and population growth or construction of additional housing, either directly or indirectly" in the region. Because the CEQA Guidelines also state that economic effects are not to be "treated as significant effects on the environment", it is important that economic growth not be confused with environmental impacts. The purpose of addressing economic effects is primarily to "trace a chain of cause and effect" that links a project decision that might cause economic impacts which, in turn, would result in physical impacts on the environment. Economic effects may also be used to determine the significance of physical impacts caused by a project. Economic effects are "not to be analyzed in any detail greater than necessary to trace the chain of cause and effect". The focus of the analysis shall be on the physical changes (§15131). The following discussion therefore, focuses on the environmental effects that might reasonably be anticipated to occur as a result of the "economic and population growth" that could be induced by the proposed Project.

Growth from the Project can be projected and characterized from three perspectives:

- **Campus Industrial Growth-** The 6.6 million square feet of campus industrial uses and the jobs that would directly result from occupancy of the building space, as well as the secondary jobs associated with the campus industrial jobs. The jobs will increase housing demand within the ABAG/AMBAG region.
- **Growth Based on Infrastructure Capacity-** The potential growth that would be served by the Project's proposed infrastructure improvements (flood control and drainage, electrical substation, and the water supply system) which are being proposed to serve the entire 1,444 acre North Coyote Valley Campus Industrial Area.
- **Growth Inducement on the South Almaden and Coyote Valley Urban Reserves.**

The growth resulting from the Project is described for each of these three perspectives below under their respective sections.

A. Campus Industrial Growth

The 6.6 million square feet of building space proposed by the Project is estimated to yield approximately 19,800 employees based upon three employees per 1,000 square feet. This is representative of the communication equipment sector,⁴² which consists of a mixture of office, R&D, and assembly and light manufacturing uses. For the purposes of describing growth represented by the proposed Project, an estimate of 20,000 employees will be used for this discussion.

The proposed campus industrial uses typically represent "primary industry" and employment, consisting of manufacturing of goods and providing services that bring revenue into the region. Primary industry and employment also results in the creation of "secondary" or service related employment. Examples of secondary employment include the retail sector, such as grocery stores, clothing stores, auto fuel and maintenance establishments, as well as many other services such as

⁴² ABAG, (1987)

entertainment, government, and professional services like medical and dental. Although ABAG estimates a ratio of primary to secondary employment of between 1:1.5 – 1:2 (primary to secondary jobs) for the various industrial sectors, it is not possible to accurately project the extent or location of the secondary growth resulting from the Project. The secondary jobs are included in the urban mix that comprises the existing and planned uses in the City's General Plan, are addressed in Section IV., *Cumulative Impacts* of this EIR. However, the secondary growth is expected to be significant.

The direct employment growth proposed by the project, and the associated secondary job growth and housing demand, represent a portion of the job and housing growth that is planned for San Jose and Santa Clara County. According to the ABAG projections presented in Table 29, a total of 57,750 jobs will be generated in the City of San Jose between 2000 and 2010. The number of jobs in Santa Clara County over the same period would increase by 136,040, of which the Project's 20,000 employees represents 15 %. The direct housing and population growth is presented and discussed below.

TABLE 24
PROJECTED JOB GROWTH IN SAN JOSE (SPHERE OF INFLUENCE) AND SANTA CLARA COUNTY- 2000 TO 2010

	San Jose 2000	San Jose 2010	Increase in San Jose 2000-2010	Santa Clara County 2000	Santa Clara County 2010	Increase in Santa Clara County 2000-2010
Total Jobs	410,990	468,740	57,750	1,077,220	1,213,260	136,040
Households	289,220	317,330	28,110	567,080	620,760	53,680
Employed Residents	493,600	550,800	57,200	928,700	1,038,100	109,400
Employed Residents per Household	1.70	1.73	-	1.63	1.67	-

Source: Association of Bay Area Governments. Projections 2000, December, 1999.

Housing Demand and Population Growth

One of the growth inducing effects of the Project will be demand for housing. Table 24 shows a projected 1.7 employed persons per household in San Jose in the year 2000. Assuming 1.7 employed residents per household, the Project demand for housing units to serve 20,000 new employees would be 11,765 units. Assuming three persons per household (ABAG 1999), the 11,765 new households resulting directly from the Project would result in a population increase of 35,295.

ABAG estimates that 53,680 new housing units could be built in Santa Clara County between 2000 and 2010.⁴³ This estimate is based on the potential number of units permitted by local policies, General Plans of local jurisdictions, zoning regulations, and other factors. The direct demand from 20,000 employees for 11,765 units would be approximately 22% of the new units that are estimated by ABAG to be constructed in Santa Clara County between the year 2000 and 2010, although some of the new housing will occur in counties to the south and west of Santa Clara County, as explained below.

It is estimated that 80 percent of the project employees would occupy housing in San Jose or other locations to the north of the site while 20 percent of the project employees would occupy houses to the south of the site. In terms of actual dwelling units this represents 9,412 dwellings north of the site in (San Jose or elsewhere) and 2,353 to the south of the site, in Morgan Hill, Gilroy and counties to the south and west. The 80/20 north/south split is based upon several factors. The majority of new housing located nearest to the site is planned in San Jose to the north. The greatest roadway capacity is to and from the north which yields the shortest and fastest commutes to the site from the north. (These conditions are referred to as a "reverse commute.") Project employee housing located to the south of the site will involve commutes that are longer in both time and distance. The longer commutes to the south are offset to some extent by more favorable housing prices.

It is assumed that 20 percent of the Project employees expected to be located to the south would be located in the cities of Morgan Hill, Gilroy, Hollister, and Salinas and unincorporated areas of San Benito and Monterey Counties and to a lesser extent Santa Cruz County, as shown in Table 26. Population forecasts for the three Counties are shown in Table 26, and employment forecasts are shown in Table 27.

⁴³ ABAG Projections 2000, page 217.

TABLE 25
DIRECT HOUSEHOLD AND POPULATION
GROWTH RESULTING FROM THE PROJECT

Jurisdiction	Projected Distribution of 11,765 unit Housing Demand by the Project	New Households by Jurisdiction	Percent Increase over Year 2000 Housing Units	Population Growth By Jurisdiction	Percent Increased Population Growth Over Year 2000
San Jose and North County	80%	9,412	3%	28,236	3%
Gilroy-Morgan Hill	12%	1,412	6%	4,235	5%
San Benito County	5%	588	4%	1,765	4%
Monterey County	2%	235	<1%	706	<1%
Santa Cruz County	1%	118	<1%	353	<1%
Total	100%	11,765	--	35,295	--

TABLE 26
POPULATION FORCASTS FOR COUNTIES TO THE SOUTH AND WEST

Jurisdiction	1995	2000	2005	2010
Monterey County	362,874	400,907	435,454	472,562
San Benito County	42,473	50,163	57,313	64,830
Santa Cruz County	241,935	257,737	270,060	281,714

Source: AMBAG Regional Population and Employment Forecast for Monterey, San Benito, and Santa Cruz Counties Final Report, November 1997.

TABLE 27
EMPLOYMENT FORECASTS FOR COUNTIES TO THE SOUTH AND WEST

Jurisdiction	1995	2000	2005	2010	2015	2020
Monterey County	162,009	183,756	196,851	209,101	220,418	229,130
Net Out Commute	2,629	3,155	4,102	5,742	8,613	11,197
San Benito County	18,477	20,482	23,266	26,572	30,473	35,083
Net Out Commute	4,880	5,456	7,076	9,178	11,904	15,439
Santa Cruz County	127,661	140,589	148,079	156,070	163,122	168,532
Net Out Commute	15,000	15,000	15,300	15,606	15,918	16,236

Source: AMBAG Regional Population and Employment Forecast for Monterey, San Benito, and Santa Cruz Counties Final Report, November 1997.

The effects of growth resulting from the project would be to increase the number of residents in these three counties that commute to jobs in southern San Jose. According to AMBAG, 27% of the employed workforce in San Benito County, 2% of the employed workforce in Monterey County, and 11% of the employed workforce in Santa Cruz County currently commute to jobs outside of their respective counties.⁴⁴ This "out commute" is shown in Table 27.

Of the three Counties, the greatest growth impact of the project would be upon San Benito County and the City of Hollister, both because of proximity, and because the growth represents a larger percentage increase since Hollister and San Benito County are the smallest in terms of existing population. It is projected that five to seven percent of project employees may reside in San Benito or Monterey Counties. One percent or less of project employees are projected to reside in Santa Cruz County. To put the Project growth in San Benito County in context, if five percent of the project employees were to reside in San Benito County, this would be equal to a fifth or a sixth of the total housing growth forecast for San Benito County between the years 2000 and 2010.

The San Benito County General Plan forecasts reflect the potential for growth inducement as a result of job growth in Santa Clara County. According to its General Plan, Santa Benito County is expected to be a strong draw for commuters. The General Plan further recognized that much of the new jobs projected for the City of San Jose would be in the Coyote Valley.⁴⁵

⁴⁴ AMBAG Regional Population and Employment Forecasts for Monterey, San Benito, and Santa Cruz Counties Final Report, November 1997.

⁴⁵ San Benito County General Plan Housing Element, January 23, 1993.

Growth Limits

Although the economic and population growth caused by the proposed Project will likely increase the pressure to provide more housing in the areas to the south of the Project, growth of these areas is currently restricted, controlled by local growth ordinances and policies, as well as natural and infrastructure constraints.

According to ABAG's projections, southern Santa Clara County (Gilroy, Morgan Hill and unincorporated areas) could provide 10,920 additional units by 2020. However, ABAG's Projections 2000 cautions that the estimated number of units to be provided by these jurisdictions may be high due to growth control policies in those jurisdictions from land use controls and resource limitations that restrict future residential growth in these areas.

Morgan Hill has a growth limit on residential development that restricts new housing development to about 2,226 units between the years 2000 and 2010.⁴⁶ Residential development in the City of Gilroy is expected to provide about 4,000 housing units over the same period.⁴⁷ Residential growth is also controlled by a Growth Management Ordinance in the City of Hollister. According to Hollister's General Plan, approximately 6,339 new housing units are planned between 1995 and 2010.

Farther south, communities within the Association of Monterey Bay Area Governments (AMBAG) areas are constrained by infrastructure limits shown in Table 28. For instance, Monterey County as a whole has limited water resources which will limit future residential growth.

TABLE 28
SOUTH COUNTIES POPULATION GROWTH CONSTRAINTS
(Shown as Year in Which Growth Will Be Constrained)

Jurisdiction	Water Supply	Sewer Capacity	Septic Systems Capacity	Highway Capacity	School Capacity	Landfill Capacity	Ground-water Quality
Monterey Peninsula Area	2000	2010		X			
Carmel Valley	2000		X	X			
Salinas	2000	2010		X	X		X
North Monterey County	2000	2010	X	X	X		X
Gonzales Area	2000	2015			X		
Hollister Area		2000	X	X		2015	
San Juan Bautista	2020	2000	X			2015	
Santa Cruz	2000				X	2020	

"X" = represents constraint in effect at the time of the publication of the original table in 1997. Source: AMBAG

⁴⁶ James Rowe, Morgan Hill Planning Manager. Personal Communication, August 19, 1999; and City of Morgan Hill General Plan, 1996. The General Plan limits population growth to 38,800 persons by January 1, 2010. Based on a population of 31,900 Morgan Hill residents on January 1, 1999, the General Plan would permit population growth of 6,900. Assuming that the number of persons per household is 3.1, a total of 2,226 housing units could be developed in Morgan Hill between the years 2000 and 2010.

⁴⁷ Melissa Durkin, City of Gilroy Planner II. Personal Communication, August 20, 1999.

Jobs/Housing Balance and San Jose's Future Housing Supply

The City of San Jose provides the majority of housing units within Santa Clara County, as illustrated on Figure 35. According to ABAG over half (52%) of the County's projected household growth will occur within San Jose. San Jose will lead the Bay Area in terms of absolute growth, adding 129,300 persons and 50,340 households between 2000-2020.⁴⁸ In fact, San Jose is estimated to have a total of 290,800 housing units by the end of the year 2000. At 1.7 employed residents per household, this projected housing is capable of accommodating a workforce or employment base of 494,360 jobs. The 410,990 jobs projected to occur in San Jose in 2000 are 83,370 jobs less than its housing inventory would support. In order for San Jose to reach a jobs/housing balance it would need to have only 241,758 housing units to house its year 2000 jobs projection of 410,990. San Jose is projected to provide approximately 47,462 units more than is required to support its employment base. Therefore, even with the Project, San Jose will continue to have a jobs/housing imbalance, with more housing than jobs.

The General Plan adopted in 1994 by the City of San Jose anticipated the potential development of 52,900 new housing units by 2010. Of these units, 50,900 were in the Urban Service Area and 2,000 units were in the South Almaden Valley Urban Reserve.⁴⁹ Subsequent to 1994, through General Plan amendments, another 6,800 units were added to the City's capacity bringing it to 59,700. Between 1994 and 1998 building permits were issued for about 16,370 housing units. The net difference of 43,300 residential units are expected to be absorbed from the present to 2010-2020.

The housing demand generated by the project of 11,765 dwelling units represents slightly over a quarter of the 43,300 units projected to be constructed between the present and 2010-2020 in the City of San Jose.

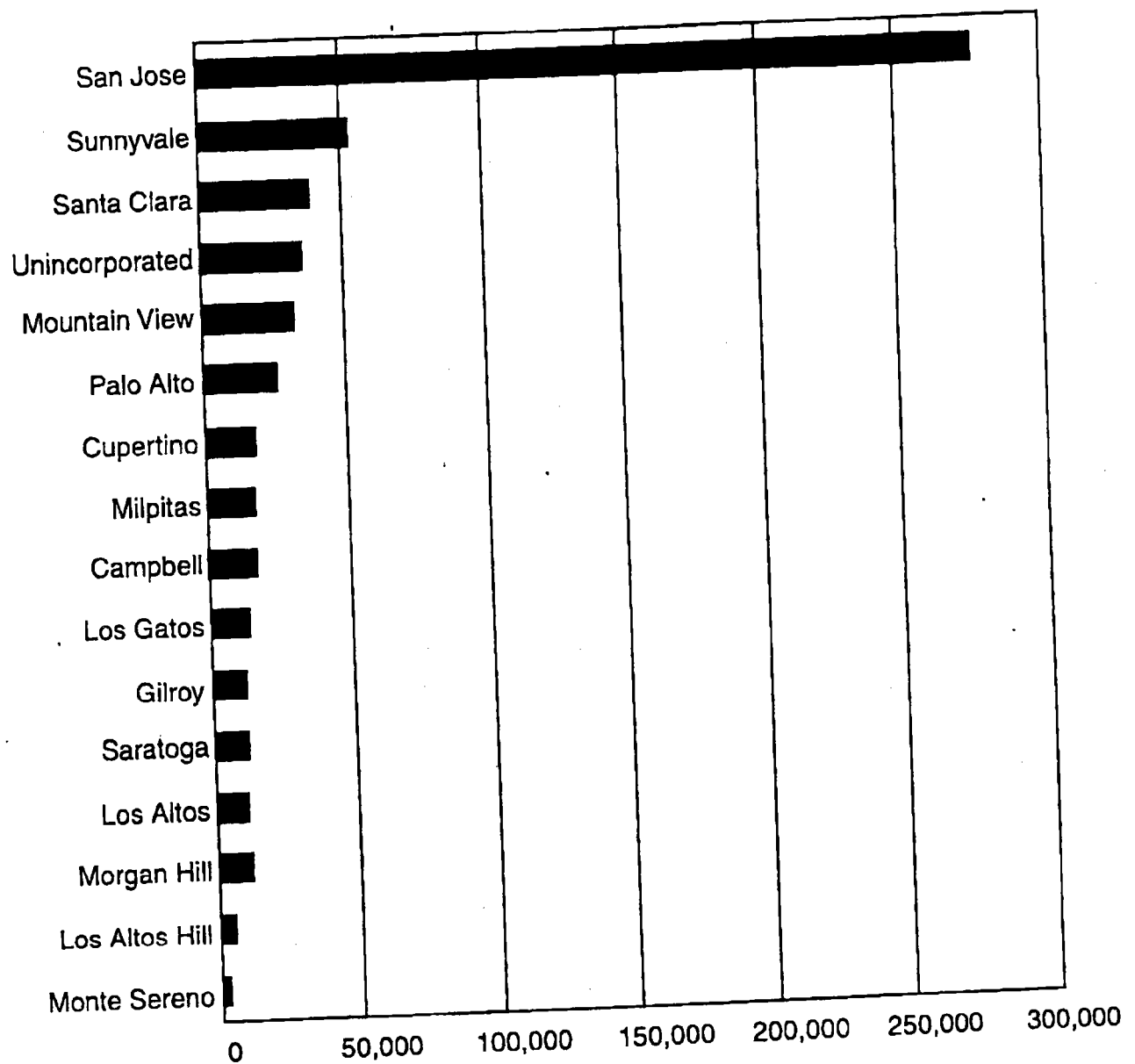
Impacts of Induced Growth

The growth induced directly and indirectly by the Project would contribute to a number of environmental impacts, including traffic congestion, air quality deterioration, loss of agricultural land, loss of open space, vegetation and wildlife impacts, as well as an increased demand for housing and utilities and services, such as fire and police protection. The direct growth represented by the Project itself is the subject of this EIR; its impacts on the physical environment are discussed in detail in Sections I-VI.

Indirect and induced employment and population growth would further contribute to the loss of agricultural land and open space in the region because it would encourage the conversion of agricultural and open space uses to urban uses for the construction of housing and infrastructure.

⁴⁸ ABAG Projections 2000, page 207.

⁴⁹ The housing associated with the Coyote Valley Urban Reserve is not included in the City's General Plan projections and is not anticipated to be developed within the timeframe of the current General Plan. Subject to triggers and preparation of a specific plan, it could accommodate another 20,000 to 25,000 housing units.



Source: California Department of Finance, Demographic Research Unit (www.dof.ca.gov)
*Estimated as of Jan.1 1998

Indirect and induced employment and population growth would contribute to increased traffic on the roadway system in both the Santa Clara County and Monterey Bay regions which would increase noise adjacent to roadway systems. Noise levels would also increase, especially in rural areas as more urban uses are introduced.

The Project would contribute to additional development from employment and population growth that would further contribute to the potential loss of wetlands, riparian habitat, sensitive species, and oak woodland as vacant land is converted to urban uses for housing, and infrastructure to support increased employment opportunities.

As discussed in Section IV., *Cumulative Impacts*, of this EIR, the Project would contribute to significant utility impacts that would require infrastructure improvements. Additional facilities would be required to provide adequate electric power, sanitary sewer capacity, and water. The secondary growth generated by the Project's estimated 20,000 employees and the new uses that would be supported by the Project's infrastructure improvements would also require new facilities to adequately increase utility capacity. The environmental impacts resulting from these new facilities could be significant depending on their location and characteristics. Additional secondary growth induced by the Project would require increased services that may also require new facilities.

B. Growth Based on Infrastructure Capacity

The proposed Project includes flood control facilities and a water supply system that are designed to serve the 1,444 acre North Coyote Valley Campus Industrial Area. This area is planned to include 50,000 jobs. The water supply system and flood control facilities proposed by the Project would accommodate 30,000 additional employees beyond the 20,000 estimated for the Project. Other infrastructure such as the fire station, substation, and traffic improvements constructed by the Project could result in some reserve capacity. Major roadway improvements and other infrastructure components beyond that proposed by this Project will be required to accommodate the additional 30,000 jobs allowed in the Master Development Plan for the North Coyote Valley Campus Industrial area..

For the purposes of forecasting growth, the jobs from buildout of the North Coyote Valley Campus Industrial Area are assumed that to be "primary employment". Primary employment consists of industry that involves manufacturing of goods or providing services that bring revenue into the area. Primary jobs and industry also result in the creation of secondary or service related employment. Examples of secondary employment include the retail sector, such as grocery stores, clothing stores, auto fuel and maintenance establishments, as well as many other services such as entertainment, government, and professional services like medical and dental. ABAG estimates a ratio between primary and secondary employment of 1:1.5 to over 1:2 (primary to secondary jobs) for various primary industrial uses. It is not possible to accurately project the extent or location of the secondary growth resulting from the Project, however, secondary growth is expected to be significant. The secondary jobs are included in the urban mix that comprises the existing and planned uses in the City's General Plan and addressed in Section IV., *Cumulative Impacts* of this EIR.

As discussed in the Section IV., *Cumulative Impacts* of this EIR, the growth resulting from buildout of North Coyote Valley Campus Industrial area would generate a loss of more than 1,200 acres of agricultural land, and the loss of open space that it currently affords. Other impacts resulting from

the full development of North Coyote Valley include the loss of wildlife habitat with corresponding reductions in wildlife populations possibly including the California Tiger Salamander (Species of Special Concern which may occur within the North Coyote Valley Campus Industrial area south of the Project site). Significant traffic circulation impacts and freeway congestion on US 101 in the Project vicinity would result from full development of the campus industrial uses in North Coyote Valley. Air pollution emissions associated with vehicular traffic generated by buildout of the campus industrial use would result in significant air quality impacts. Vehicular generated noise increases along roadways are expected to be significant at some locations as a result of full development of North Coyote Valley.

Additional City services would be required by the buildout of Campus Industrial uses in North Coyote Valley. This development would impact the wastewater treatment plant and an additional sanitary sewer line capacity would need to be constructed between Coyote Valley and the treatment plant. In addition, the full development of the North Coyote Valley Campus Industrial Area would result in an increase in housing demand in the greater San Jose area as well as areas to the south including Santa Cruz, San Benito and Monterey Counties. Housing development in these counties will have physical impacts to the environment that include loss of agricultural and open space land, loss of wildlife habitat and impacts wildlife species and populations. In addition, new residential development will require governmental services such as school, libraries, and parks.

C. Growth Inducement on the South Almaden and Coyote Valley Urban Reserves

Coyote Valley Urban Reserve

This Project could also have a growth inducing impact by meeting one of three criteria identified in the San Jose 2020 General Plan for commencement of the study of development within the Coyote Valley Urban Reserve (CVUR). The three prerequisites for development are:

- 1) the provision of 5,000 new jobs in North Coyote Valley Campus Industrial Area,
- 2) the demonstration that the City's fiscal condition is sound based on five years of balanced budgets, or surplus, and
- 3) proof that the City of San Jose is delivering city services (police, fire, parks, libraries, etc.) consistent with 1993 levels.

The proposed Project would provide approximately 20,000 jobs in the North Coyote Valley Campus Industrial Area, thereby satisfying one of the three triggers for planning of the Coyote Valley Urban Reserve. For the purposes of considering the impacts of development in the Coyote Valley Urban Reserve, it is assumed that all of the triggers could be met with buildout of the Project.⁵⁰ A community of 20,000 to 25,000 dwelling units is representative of the General Plan vision for the area. The environmental impacts of developing the CVUR are generally described below.

⁵⁰ It should be noted however, that it is still speculative when and if all the triggers will be met. Further, the San Jose 2020 General Plan growth projections do not include development within the CVUR since development is not anticipated to occur within the timeframe of the General Plan. Development within the Urban Reserve would require a General Plan Amendment to bring the area into the City's Urban Service Area and preparation of a Specific Plan to guide development, in addition to annexation, and specific development approvals.

Loss of Agricultural Land and Open Space

Development of the CVUR would result in the loss of approximately 2,000 acres of prime farmland and open space.

Traffic and Air Quality

Additional infrastructure would be needed to provide regional and local access to the CVUR. This would include additional interchange(s) with US 101 and internal roads. Development of the CVUR would increase traffic in the area, which would likely have impacts to regional facilities and freeway segments. Increased traffic would increase air pollutants which would likely have regional air quality impacts. To the extent that this residential area would house employees from the Project, some Project-related traffic and air quality impacts could be reduced.

Vegetation and Wildlife

Depending on the development proposed, development of the CVUR would result in the loss of 2,000 acres of agricultural and rural habitat and loss of wetlands, loss of riparian habitat, and impacts to sensitive species.

Hydrology and Flooding

Development of the CVUR would increase impervious surfaces that would increase runoff and exacerbate downstream flooding. Infrastructure to handle flooding and drainage would be needed to ensure that the development does not lead to downstream increases in peak discharge that would cause increased flooding.

Noise Impacts

The introduction of urban activities and increased vehicle traffic would likely result in increases in noise in the area.

Loss of Cultural Resources

It is unknown at this time whether cultural resources are present within the CVUR. However, the area is located in an archaeologically sensitive area. Therefore, it is likely that development would have the potential to impact prehistoric subsurface resources. Additional infrastructure to handle the CVUR may require the removal of additional Keesling walnuts trees. In addition, historic farmsteads could be removed to allow development.

Visual Impacts

The loss of 2,000 acres of rural land with urban uses would result in significant visual and aesthetic impacts from the loss of visual open space.

Utilities and Services

Expansion of infrastructure would be required to provide sanitary sewer and water service to the CVUR. Currently there is not sufficient capacity available at the WPCP to handle the development

of 20,000 to 25,000 new housing units. In addition the sanitary sewer main line north of Coyote Valley is not sized to accommodate the CVUR development.

South Almaden Valley Urban Reserve

The South Almaden Valley Urban Reserve (SAVUR) is located southeast of Mockingbird Hill, McKean Road and Harry Road, northwest of the Project area. The intent of the SAVUR is to create a planned residential community with supporting commercial services and public facilities. The San Jose 2020 General Plan identified the SAVUR as a long-term area planned for future development when the City determines that there is a demonstrated need for new housing and that such housing can be adequately provided with urban services without adversely affecting services to existing neighborhoods.

As is the case with the CVUR, the SAVUR would require a General Plan Amendment to include the SAVUR in the City's urban service area, preparation of a Specific Plan to guide development, annexation, and specific development approvals before it could be developed. The General Plan currently indicates that planning for development in the SAVUR is not anticipated to occur in the near future, but could occur within the timeframe of the San Jose 2020 General Plan, whereas the CVUR is not included within that timeframe.

Conclusion: The growth resulting from this development would cause physical environmental impacts which are both significant and unavoidable. This includes growth resulting from housing demand associated with this Project, the buildout of the North Coyote Valley Campus Industrial Area facilitated by infrastructure included with this Project, and the development in the Urban Reserves that could be triggered in part by this Project.



**COMMITTEE FOR
GREEN FOOTHILLS**

January 9, 2006

Coyote Valley Task Force

Dear Members of the Coyote Valley Task Force;

The Committee for Green Foothills makes the following recommendations for the agricultural land mitigation strategy options:

1. The agricultural assessment discussed in the city's agricultural land conservation and mitigation memo should be done now, in the Specific Plan EIR process, and not at some later point as the memo appears to imply. The decision to convert the land from agricultural uses to other uses will be taken at the time that the Specific Plan is approved (if that happens), even though the actual conversion waits until later. There is therefore no reason to wait in doing the agricultural assessment. Any waiting would constitute illegal segmentation of the environmental analysis. Furthermore, the assessment of the land's agricultural value looks in part upon the use of adjoining parcels. If this agricultural assessment and development is done in piecemeal fashion, then at some midway point, the piecemeal loss of Coyote Valley farmland will be used as an excuse to claim that the remaining agricultural lands in Coyote Valley have no agricultural significance.
2. The city should not alter the LESA agricultural assessment by allowing exceptions where land rated at a score of greater-than 39 points could be converted away from agriculture without being deemed a significant loss. The city's justification for this on page 4 of its memo states that the General Plan goal is to avoid "premature" conversion of agricultural lands, with the implication that when it is "mature" then conversion is not significant. This is an improper environmental analysis. The loss of agricultural land is either significant or it is not, and whatever goals are considered for the use of that land subsequently do not matter. Those goals are only relevant for deciding whether other overriding considerations outweighs the significant environmental impact. In other words, whatever goals that the city has with a project does not change whether the impacts of reaching those goals are significant.
3. The four strategy options may give an unintentionally misleading impression that the city is equally free to choose between the different options. Environmental analysis does not work like that. Either an impact is significant or it is not, no matter what the city may wish. Furthermore, CEQA requires that the city adopt any feasible mitigations for impacts that are determined to be significant.
 - If preservation of agricultural land is a feasible mitigation for the significant loss of agricultural land, the city has no choice - it must go ahead and impose preservation requirements. We believe that the "no change" Strategy Option I fails to meet legal requirements as established in recent case law cited in our letter to the city, dated July 1, 2005 (part of the Task Force packet). Therefore, this option is not available to the city as a legal choice.
 - We can see no credible analysis concluding that a preservation of less agricultural land than the land that is lost to be something that reduces the impact to a less-than-significant level. Therefore, Strategy Option II is also not a legal option.
 - If the city believes that Strategy Option III is available to it, the city must explain why preserving land at a ratio of 1:1 or greater is not feasible. Absent a fully-adequate explanation, Strategy Option III is not a legal option. Given the availability of farmland in and near to Coyote Valley, we do not believe the city can justify this option.

4. The city must acknowledge that instead of adopting overriding considerations, it can also choose to reject the project. Such acknowledgment is missing from the city memo.

Please contact us if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Schmidt". The signature is fluid and cursive, with the first name "Brian" and last name "Schmidt" clearly distinguishable.

Brian A. Schmidt
Legislative Advocate, Santa Clara County